

CITY OF SANTA ROSA
CITY COUNCIL

TO: MAYOR AND CITY COUNCIL
FROM: TERESA L. STRICKER, INTERIM CITY ATTORNEY
DAISY GOMEZ, CITY CLERK
SUBJECT: WAIVE EARLY COUNCIL AGENDA POLICY 000-35 TO
CONSIDER AGENDA ITEM NO. 14.2

AGENDA ACTION: MOTION

RECOMMENDATION

It is recommended by staff that the City Council consider whether to pass a motion, finding good cause for waiving the nine-day public agenda posting requirement in Early Council Agenda Policy 000-35 so that it may consider and act on Agenda Item No. 14.2 Report – Resolution of the Council of the City of Santa Rosa to Safeguard the Civil Rights, Safety and Dignity of all Santa Rosa Residents.

EXECUTIVE SUMMARY

Early Council Agenda Policy 000-35 states that no item of business may be discussed or acted upon by the Council at a regular meeting unless a description of the item appears on a public agenda at least nine days prior to the meeting at which the item is scheduled. The nine day posting requirement is subject to several exceptions, including a showing of good cause.

BACKGROUND

On January 5, 1994, the City Council adopted Policy No. 000-35, titled “Early Council Agenda Policy,” established procedures for the City Council’s regular meetings in compliance with the Settlement Agreement in *Sierra Club v. City of Santa Rosa*, Sonoma County Superior Court Case No. 206035. The policy includes a nine-day agenda posting requirement.

PRIOR COUNCIL REVIEW

None.

ANALYSIS

Upon a showing of good cause with the concurrence of five council members or by unanimous vote if fewer than seven members are present, an item may be discussed and acted upon if the item appears on the public agenda at least three days prior to the meeting at which the item is scheduled. The Council is required to determine that good cause exists prior to taking action on the item. If good cause is not found to exist, the item may be heard at the Council's next regular meeting.

A showing of good cause requires a finding by the City Council that as a result of exceptional circumstances beyond the control of the City Council, compliance with the nine-day notice requirement would impose a substantial burden on the City's ability to conduct its business or result in prejudice to a private person.

Council may find that good cause exists to waive the nine-day posting requirement, and hear Item 14.2 at the February 7, 2017 meeting, based on the following exceptional circumstances beyond the Council's control:

The executive orders recently issued by the President of the United States relating to immigration, and the actions taken by the federal government to enforce those orders, have caused many individuals in Santa Rosa to feel targeted and unsafe in our community. Many members of the public question the role the City will play in enforcing federal immigration laws and, as a result, may avoid contacting the City's police or fire departments when they are in need of public safety services. Delaying Council's consideration of Item 14.2 until its February 14, 2017 would prejudice members of the public by allowing this fear and uncertainty about the City's role in enforcing federal immigration laws to continue.

FISCAL IMPACT

The proposed action will not have a fiscal impact on the General Fund.

ENVIRONMENTAL IMPACT

This action is exempt from the California Environmental Quality Act (CEQA) because it is not a project which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, pursuant to CEQA Guideline section 15378.

BOARD/COMMISSION/COMMITTEE REVIEW AND RECOMMENDATIONS

Not Applicable.

NOTIFICATION

Not Applicable.

ATTACHMENTS

Attachment 1 – Early Council Agenda Policy 000-35

CONTACT

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